

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

DARREN GILBERT,  
Plaintiff,

v.

DOCTOR'S CHOICE MODESTO LLC, et  
al.,  
Defendants.

Case No. 1:21-cv-00690-AWI-SAB  
ORDER RE STATUS OF ACTION  
THREE DAY DEADLINE

Plaintiff Darren Gilbert filed this action on April 23, 2021. (ECF No. 1.) On July 8, 2021, following the setting aside of default against Defendant Amar Kumar, the scheduling conference in this action was continued until October 5, 2021. (ECF No. 12.) On August 13, 2021, Defendant Amar Kumar filed an answer, as well as a crossclaim against Cross-Defendants Doctor's Choice Modesto, LLC, and Rajwinder Kaur Bal. (ECF Nos. 13, 14.) On September 3, 2021, summonses were returned executed demonstrating that Cross-Defendant Doctor's Choice Modesto, LLC was served on August 26, 2021, and that Cross-Defendant Rajwinder Kaur Bal was served on August 31, 2021. (ECF Nos. 18, 19.)

Pursuant to Rule 12 of the Federal Rules of Civil Procedure, a responsive pleading was due "within 21 days after being served with the pleading that states the counterclaim or crossclaim." Fed. R. Civ. P. 12(a)(1)(B). More than twenty-one (21) days have passed and no responsive pleading, stipulation to extend time for the Cross-Defendants to respond to the

1 crossclaim, nor requests for entry of default have been filed.

2 Accordingly, IT IS HEREBY ORDERED that within **three days** of the date of entry of  
3 this order, Defendant and Cross-claimant Amar Kumar shall file a notice regarding the status of  
4 this action, and whether it is ready to proceed into the scheduling conference on October 5, 2021.

5 IT IS SO ORDERED.

6 Dated: **September 22, 2021**

7   
8 UNITED STATES MAGISTRATE JUDGE